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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 27 June 2005 from the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Democratic Republic of the Congo to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and has the honour to annex hereto the report submitted by the Democratic Republic of the Congo on the measures provided for under the Taliban/Al-Qaida sanctions regime pursuant to paragraphs 6 and 12 of resolution 1455 (2003) (see annex).

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Annex to the note verbale dated 27 June 2005 from the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Committee

Report submitted by the Democratic Republic of the Congo pursuant to paragraphs 6 and 12 of resolution 1455 (2003) of 17 January 2003

I. Introduction

The reports of the national security services indicate that no known activity imputable to Osama bin Laden, Al-Qaida, the Taliban or their associates has been reported in the territory of the Democratic Republic of the Congo.

II. Consolidated list

1. The list drawn up by the Committee established under resolution 1267 (1999) is regularly and progressively distributed to the various national security and immigration services.

2. Distribution is by way of administrative circular. The list has not been incorporated into the national legal system.

3. No problems with implementation with regard to the names and identifying information included in the list have yet arisen.

4. None of the individuals or entities designated in the list has been reported in the territory of the Democratic Republic of the Congo.

5. No such cases have yet arisen.

6. The case has not yet arisen.

7. The case has not yet arisen.

8. These measures were described in subparagraph 1(b) of the first supplementary report submitted to the Security Council Committee established pursuant to resolution 1373 (2001), which states:

> Article 156, Book II, of the Penal Code provides that: "Any conspiracy formed with the aim of committing an offence against persons or property constitutes an offence consisting of the sole act of organizing the group". With regard to the penalty applicable to the offence, article 157, Book II, of the Penal Code goes even further by providing that: "The instigators of such a conspiracy, the leaders of the group and those who have exercised command of any sort shall be punished by death".

III. Strengthened implementation of resolution 1455 (2003)

Implementation of resolution 1455 has been strengthened in the Democratic Republic of Congo. The Democratic Republic of the Congo has been subject to a sanctions regime since the Security Council decided, in resolution 1596 (2005) of

18 April 2005, to extend the arms embargo already imposed on the provinces of North and South Kivu (resolution 1493 of July 2003) to the entire territory of the Democratic Republic of the Congo.

The provisions of resolution 1596 therefore do not duplicate those of resolution 1455 but, rather, complement them. Resolution 1596 also provides that those who violate the embargo shall be subject to a travel ban and to a freezing of their financial assets. The Council accordingly decided that, no later than 31 July 2005, it would review the measures taken in the light of progress accomplished in the peace and transition process in the Democratic Republic of the Congo, in particular with regard to the integration of the Armed Forces and of the National Police.

1. Financial and economic assets freeze

In the Democratic Republic of the Congo, the freezing of economic and financial assets under the provisions of resolutions 1267 (1999) and 1390 (2002) is governed by the provisions of Act No. 04/016 of 19 July 2004 on combating money-laundering and the financing of terrorism, as described in subparagraphs 1 (a), (c) and (d) of the aforementioned report.

2. Travel ban

No such cases have yet arisen, but the immigration and security services may, if need be, avail themselves of the administrative provisions applicable in certain conditions to persons banned from travelling.

3. Arms embargo

In pursuance of the provisions of paragraph 9 of Security Council resolution 1533 (2004) concerning the arms embargo in the eastern part of the Democratic Republic of the Congo, and in accordance with paragraph 20 of Security Council resolution 1493 (2003), the Transitional Government of the Democratic Republic of the Congo has taken the following steps:

1. It has ensured strict compliance with its obligations under resolution 1533 (2004), in particular by effectively combating illicit arms trafficking throughout its territory, in accordance with the disarmament, demobilization and reintegration (DDR) process, and has likewise ensured the restoration of the State's authority throughout the national territory and secured national borders;

2. It has stepped up measures to implement the provisions of Congolese social legislation, particularly those of the Decree of 21 February 1950 regulating firearms and ammunition, which provide as follows:

- No one not entrusted with military functions may be in possession of military-style weapons, including revolvers, pistols, submachine guns, "Mauser" rifles, FAL light automatic rifles or any fully automatic weapons;
- Anyone who imports, transports, possesses, lends or leases, sells, gives or abandons firearms or ammunition in violation of the provisions of the aforementioned decree shall be punished by penal servitude and a fine.

3. The Transitional Government is studying ways of reinforcing border security measures in order to discourage any arms trafficking in the national territory.

IV. Assistance and conclusion

The Democratic Republic of the Congo is now in the process of modernizing and restructuring its customs services and reforming its customs legislation. In this context, it should be stressed that technical and financial support is needed from the international community as a precondition for achieving effective border control, especially since electronic data-scanning facilities are not yet in place at all entry points.

The possibility of organizing training courses in anti-terrorist legislation for magistrates and police officers has already been envisaged and needs only to find external financing to become a reality.